

January 5, 2026, Mayville City Council

The Mayville City Council met in regular session on January 5th, 2026, at 6:00 pm in the council chambers with Mayor Jorgenson presiding and the following Aldermen responding to call of the roll: O'Brien, Moen, Halvorson, Garrett. Absent: Soholt, Petersen. Also, in attendance: Gail Olstad, Julie Christianson, Cassie Tostenson, Brandon & Kaylee Palm, Samantha Sanchez, Cole Short. Brandon Reber from Moore Engineering was also present.

Moen made a motion to accept the approval agenda on the following items:

1. **November 3, 2025, minutes (Monthly Meeting)**
2. **December 1, 2025, minutes (Monthly meeting)**
3. **December 17, 2025, minutes (Special meeting)**
4. **Auditor's Office approvals:**
 - a. **Mayville SR Center Raffle every Thursday in January.**
5. **Auditors are still working on the audit.** Financials draft completed on the 30th, to Colliers. Draft to be finished the week of January 5th. Audit completed by the 19th. To go to Colliers to have the Continuing Disclosure Updated.
6. **Single Audit started and ongoing** – Completed the week of the 15th.
7. **WM 2026 Garbage & Recycle Schedule**
8. **Auditors Bond applied for and received.**
9. **RRVWSP Series F on hold**
10. **New winter landfill hours** – 1st & 3rd Saturdays 8-noon November 1st – May 1st.
11. **Rates** will be reviewed in Q1 2026 with all City Rates
12. **The EDC** has moved their Monthly meeting to the first Tuesday of the month at noon at Tommy's
13. **See Moore Engineering** – House to House planned.
14. **City will be taking ownership** of the Heroes building.
15. **City Election Candidates** may begin collecting signatures on a nominating petition January 1, 2026, Packets to be available at City Hall by end of week.
16. **New Requirement (Cassie)** An elected city or park district official shall submit an annual statement of interests to the city filing office – late filings are subject to late fees. Forms will be sent to existing officials from the Auditors' Office.

O'Brien seconded the motion, motion carried.

ENGINEER'S AGENDA

City of Mayville Council Meeting

Monday, January 5, 2025

1.0 Street & Storm Improvement District 2022-1

- 1.1 Zavoral Letter
- 1.2 Remaining Work Quotes

2.0 Sewer & Water Improvement District 2022-2

3.0 Mayville Dam 2

- 3.1 CAP #3 - \$1,566,588.62
- 3.2 Moore Engineering Invoice SIN006703 - \$91,896.00
- 3.3 Construction Update
- 3.4 OHF Recap

4.0 Lead Service Line

- 4.1 Upcoming schedule for door to doors

Street & Storm Improvement District 2022-1

Brandon Reber mentioned that R.J. Zavoral & Sons had sent a letter to the Mayville City Council regarding the Street and Storm Improvement District No. 2022-1. The purpose of that letter was to propose a path forward for closure of the Citywide improvements contract. Zavoral stated in the letter that they have done all that they are going to do on the final punch list. They said that the City of Mayville can keep \$25,000 of the retainage and Zavoral expects to get paid the difference. They state in the letter that the city is holding back \$80,000 for inspection of defective work. Zavoral feels that it an egregious amount. Zavoral feels that \$10,500 is the fair amount to be withheld. In the letter it says that Moore Engineering believes more asphalt was placed than necessary and has recommended withholding \$246,000. This is based on a technical memo dated June 17, 2024, where the core thickness and cross slopes at core locations are used to quantify an "overrun" of 2650 tons. Moore Engineering assigned each core to represent an entire block of paving. One core is simply not representative of an entire city block. In summary Zavoral expects final payment to be made with the following withholding: \$25,000 retainage for punch list items left to do and an additional \$10,675 withheld for extra inspection & dumpster costs. The city attorney sent back a letter after Christmas. Brandon Reber reached out for bids to finish final punch lists. He received 2 quotes back. One was from F & S Concrete Paving for \$38360 and the second quote was from Opp Construction for \$92,504. Nothing was done with the quotes at this time.

Sewer & Water Improvement District 2022-2

Nothing at this time.

Mayville Dam 2

Moen made the motion to approve Contractor application for Payment: **Payment No. 3 to Comstock Construction for \$1,566,588.62**. Garrett seconded the motion and upon a roll call vote the following voted; Yea: Moen, Garrett, O'Brien, Halvorson; Nay: Zero; Absent: Petersen, Soholt.

Brandon Reber brought an invoice for Moore Engineering to the meeting. O'Brien made the motion to approve payment to **Moore Engineering for Mayville Dam 2 \$91,896.00**. Halvorson seconded the motion and upon a roll call vote the following voted; Yea: Halvorson, Garrett, Moen, O'Brien; Nay: Zero; Absent: Soholt, Petersen. Brandon gave an update on construction as Comstock is currently working on sheet piling this week. The OHF recap was given by Brandon. Charlie Moen, Ray Petersen, Lowell Domier and Brandon Reber went to that OHF meeting in December. The first time they went the amount asked for was \$400K but this time the group was asking for \$500K. The OHF denied their request. Brandon then asked council what they wanted to do with the alternate 1. It was decided to remove it from the plans. O'Brien made the motion to approve removing the alternate 1 from the plans. Garrett seconded the motion and upon a roll call vote the following voted; Yea: Garrett, Moen, O'Brien, Halvorson; Nay: Zero; Absent: Soholt, Petersen.

Lead Service Line

Brandon Reber mentioned that Moore Engineering will be going door to door to find what kind of line everyone has in their house. At this time, Brandon did not have a schedule for when this would be taking place.

O'Brien made the motion to approve December 2025 actual, and January 2026 estimated expenses.

22121	Aflac Traditional	all	insurance	\$452.62
22122	American Solutions for Business	all	office supplies	\$306.79
22123	Canon Financial Services	all	lease on copiers	\$350.96
22124	Charlie Moen	governing board	travel	\$577.00
22125	Dacotah Paper	all	paper supplies	\$356.09
22126	Dakota Natural Gas	strt, fire dept, wtr treat	heating	\$892.75
22127	ECRWD	water treatment	purchase of raw water	\$3,615.79
22128	Elan Financial Services	all	misc	\$645.72
ACH	Empower	all	retirement	\$3,874.29
22129	Farmers Union Oil	all	fuel for vehicles	\$1,426.39
22130	Goose River Bank	wtr dist, ww coll & treat	collection fee	\$22.94
22131	Grand Forks Utility Billing	water treatment	samples	\$70.00
22132	H.E. Eversons	snow	maint/operations	\$104.58

22133	Hawkins	water treatment	chemicals	\$2,057.50
22134	Hillsboro Banner	non-dept & streets	printing	\$1,096.64
22135	Hillsboro Banner	library	printing - Festival of Trees	\$77.00
22136	Ingram Library Services	library	books	\$213.93
22137	Jacobson Brothers	city hall & library	snow removal - hired	\$360.00
22138	Loffler's	all	software for copier	\$176.48
22139	MayPort Hardware Hank	streets, armory, wtr treat	maint/operations	\$364.44
22159	Mayville Airport Authority	airport	Nov rec'd in Dec	\$68.37
22158	Mayville Senior Center	library	festival of trees	\$127.00
22141	Millers Fresh Foods	city hall	misc	\$100.83
22160	MPEDC	sales tax	Nov rec'd in Dec	\$7,494.87
22142	ND Chemistry Lab	water distribution	maint/operations	\$620.12
22143	Network Center	all	Office 365, anti-virus & backup	\$729.47
22144	Nilson Brand Law	city attorney	legal issues	\$1,260.00
22146	One Call Concepts	wtr dist & ww coll	locates	\$4.50
22148	Precision	streets	maint/operations	\$1,246.10
22150	Traill County Auditor	sanitation reserve	tax foreclosure - Heroes	\$21.00
22151	Traill County Treasurer	city lots	specials	\$62,006.27
22154	Verizon Wireless	all	cell phones	\$316.01
22155	Vestis	all	rugs	\$852.70
22156	Waste Management	sanitation	garbage & recycling	\$26,734.31
22157	Xcel Energy	all	electricity	\$7,353.88

JANUARY 2026 BILLS

22120	Aflac Inc (Dental & Vision	all	dental & vision insurance	\$268.43
22140	Midcontinent Communications	all	internet & phones	\$1,427.25
ACH	NDPERS	all	insurance	\$8,687.64
22145	Nilson Brand Law	city attorney	monthly retainer	\$275.00
22147	Polar	auditor	lease on phones	\$59.00
22149	Reliance Standard Life Insurance	all	insurance	\$191.75
22152	Traill County Treasurer	sheriff	monthly contract	\$26,587.97
22153	USPS	wtr dist, ww coll & treat	postage for water bills	\$360.36

H2O Deposits refunded

\$163,834.74

Halvorson seconded the motion, Moen abstained, motion carried.

Approval of financial reports: 2025 – through October 2025 financials are included for review and approval. Halvorson made the motion to accept the financials as presented. O'Brien seconded the motion, motion carried.

Review Calendars: December 2025-January 2026: Armory Calendar FYI

Note: City Offices closed for the following holidays with Council Approval:

MLK Day 01/19/26

Physical Plant 7a (with Admin 01/05/2026 4:30p), 01/28/26 7a

Admin 4:30p 01/05/26, 02/02/26

Council 6p 01/05/26, 02/02/26

Committee meetings: Council meetings are on the first Monday in the month unless it is a holiday, then they are held the second Monday. The Physical Plant Committee is 7a the Wednesday preceding Council and Admin Committee is held Council Monday 4:30p.

Exceptions that arise will be reviewed at the City Council meetings and changes will be posted and on the calendar. Halvorson made the motion to accept the calendars as presented. O'Brien seconded the motion, the motion carried.

Moen made the motion to extend the OHF to 10/31/2026. O'Brien seconded the motion and upon a roll call vote the following voted; Yea: Garrett, O'Brien, Halvorson, Moen; Nay: Zero; Absent: Petersen, Soholt.

The Auditor's office advertised for Gravel Bids – Class 5 for 2026. The only bid that was received was from Paulson Gravel at \$18.00/yard for Class 5 gravel. Moen made the motion to accept the bid from Paulson Gravel. Halvorson seconded the motion and upon a roll call vote the following voted; Yea: Moen, Garrett, O'Brien, Halvorson; Nay: Zero; Absent: Soholt, Petersen.

O'Brien made the motion to accept Kotaco's bid for fuel at 3% discount on everything. The other bid that came in was from Farmers Union Oil in Portland and their bid was \$.05 off pump price and no discount on bulk. Halvorson seconded the motion and upon a roll call vote the following voted; Yea: Halvorson, O'Brien, Garrett, Moen; Nay: Zero; Absent: Petersen, Soholt.

The auditor's office advertised for bids for the Mayville Cemetery for 2026 (May-Oct). The contract has been changed to include/address storm impacts. There were 2 bids that were collected. One bid was from Spain Excavating at the bid price of \$31,850. The other bid was from Derek Petersen at \$21,900. Halvorson made the motion to accept Derek Petersen's bid at \$21,900. Moen seconded the motion and upon a roll call vote the following voted; Yea: Moen, Garrett, O'Brien, Halvorson; Nay: Zero; Absent: Soholt, Petersen.

The City Attorney brought a memo of understanding Attorney Services Agreement to the council meeting. It stated that the rate per hour would go from \$275 to \$295. The monthly retainer of \$275 would still remain the same. O'Brien made the motion to approve as presented. Garrett seconded the motion and upon a roll call vote the following voted; Yea: Halvorson, Garrett, O'Brien; Nay: Zero; Abstain: Moen; Absent: Petersen, Soholt.

MEMORANDUM OF UNDERSTANDING REGARDING CITY ATTORNEY SERVICES

This Memorandum of Understanding is entered into by and between the City of Mayville, a North Dakota municipal corporation, (hereinafter referred to as "City") and the law firm of NBTHSM, PLLC d/b/a Nilson Brand Law., a North Dakota professional limited liability company.

1. General Statement Regarding Legal Services Provided by Office of City Attorney.
 - a. The Office of the City Attorney advocates for and protects the legal interest of the City of Mayville by representing the City in civil litigation, criminal misdemeanor and infraction prosecution, arbitration mediation, as well as administrative and legislative matters. The Office of the City Attorney further provide legal advice and professional opinions and recommendations to the Mayor, City Council, City Departments, Boards, Authorities and Commissions.
 - b. The Office of City Attorney advises the City on other legal matters such as insurance review and analysis, collection proceedings, real estate matters, negotiations and transactional activities.
 - c. The Office of City Attorney researches and drafts ordinances and resolutions, revises the City Code and negotiates, reviews and drafts contracts, agreements and documents, and franchise agreements.
 - d. It is the mission of the Office of the City Attorney to take such steps and adopt and advocate such measures as are in the best interests of the City of Mayville.

- e. The City Attorney is nominated by the Mayor and confirmed by the City Council as provided by North Dakota Century Code § 40-20-01 and Mayville City Code.
 - i. Appointment of City Attorney. The Mayor hereby appoints Cassie J. Tostenson as City Attorney and hires Nilson Brand Law to render such legal services as are customarily rendered by the City Attorney and as further specified herein. The foregoing appointment has been confirmed by the Mayville City Council.
 - ii. Appointment of Deputy and Assistant City Attorney. The City Attorney shall have the authority to appoint such deputy and/or assistant attorneys to assist in the rendering of legal services to the City. The City Attorney shall further appoint such special assistant city attorneys as may be reasonably necessary and/or convenient for the representation of the City.
- 2. Term. The term of this Agreement shall take effect on the 15th day of January 2026 and extend until January 14, 2026 subject to any termination as may be provided herein.
- 3. Scope of Duties and Services.
 - a. General and Extra Legal Services. The Office of City Attorney shall perform all general and extra legal services on behalf of the City, including, but not limited to:
 - i. attend one regular meeting per month of the City Council, Committee of the Whole, standing committees and such boards, commissions and authorities as reasonably necessary or when so requested by the Mayor or other city official;
 - ii. provide legal advice, written legal opinions and consultation and all matters affecting the City to the Mayor, City Council and City Administrator, Boards, Commissions, Committees, officers and employees of the City;
 - iii. prepare ordinances and resolutions;
 - iv. prepare and/or review contracts, leases, agreements and other standard City documents;
 - v. participate in consultation (telephone, electronic, or in person) as may be reasonably necessary;
 - vi. prepare and review necessary legal documents;
 - vii. represent and advise the City in pending and potential litigation;
 - viii. monitor pending and current legislation and case law as appropriate
 - ix. keep City informed as to the progress and status of all pending litigation or administrative matters;
 - x. manage, control and oversee the delivery of legal services in a competent and professional and cost-effective manner;
 - xi. provide training to Mayor, City Council members, City staff, officers and Board members on subjects as may be needed or appropriate;
 - xii. review and assist in proposed adverse personnel actions as may be necessary from time to time;

- xiii. represent the City, the City's officials, officers and employees in litigation and administrative proceedings except in the event of a conflict of interest or where legal counsel has otherwise been appointed or retained;
- xiv. supervise outside legal counsel and the transactional or litigation matters on behalf of the City;
- xv. provide City Code reviser services;
- xvi. consult with Mayor, City Council members and City management on legal issues as appropriate;
- xvii. attend City management and/or department head meetings and other routine meetings as may be reasonably necessary or as requested by the Mayor or City Council;
- xviii. provide periodic reports regarding the status of the City Attorney activities;
- xix. provide guidance regarding open record and open meeting matters;
- xx. assist in administration of bids and RFQ's
- xxi. perform such other duties and activities as provided by the North Dakota Century Code and/or the Mayville City Code and such other routine legal services as are required, from time to time, by the Mayor or City Council;
- xxii. perform such legal services on behalf of the City as may be necessary or appropriate, including, but not limited to: litigation services and representation on matters filed either by or against the City in state or federal courts or with an arbitrator. contested administrative matters before federal, state or local governments drafting, reviewing and/or negotiating franchise agreements with third parties drafting of opinions letters, real estate transactions including acquisitions and conveyances (negotiations, title review and research, document drafting and review, related correspondence and reports) investigations and audits preparation of necessary and appropriate real estate documents for or on behalf of the City and its related Boards and Commissions prosecutorial services such other non-routine or non-regularly occurring legal services not otherwise covered under General Legal Services.

4. City Responsibilities.

- a. The City agrees to provide such information, assistance, cooperation and access to books, records and other information as is necessary for the City Attorney to effectively render professional services under this Agreement.

5. Compensation.

- a. General Legal Services. The City agrees to compensate the City Attorney for general legal services as described herein on a monthly retainer of \$275 to attend one regular monthly meeting of the city council.
- b. Extra Legal Services. All legal services considered extra services herein shall be billed at an hourly rate, of \$295 for hour for attorney time spent on a matter, \$185 for paralegal/law clerk time and \$75 for legal assistant time.

6. Costs and Other Charges.

- a. The City Attorney shall be reimbursed for all reasonable direct out-of-pocket expenses actually and necessarily incurred in the course of providing legal services under this Agreement, including but not limited to, telephone charges, postage and delivery services, reasonable travel expenses, document reproduction expenses, filing fees, computerized research charges, litigation expenses, mileage and other miscellaneous expenses. The term "reimbursable costs" shall not include any overhead or administrative charge relating to the Office of City Attorney or attorney's normal cost of office staff, equipment and supplies except as expressly set forth herein.
7. Statements/Payments. Nilson Brand will submit itemized statements of all amounts due for extra legal services or reimbursements on a periodic basis to the City Auditor. All work performed by Nilson Brand Law will be billed in increments of tenths of an hour with a minimum of two-tenths of an hour for each service billed. All statements shall be due and payable within 30 days of submittal.
8. Performance of Work. The City Attorney shall perform all work required hereunder in a professional manner and shall exercise the standards of care required for the provision of such legal services.
9. Exercise of Independent Professional Judgment. Nothing in this Agreement shall be construed to interfere with or otherwise affect the rendering of services by the City Attorney in accordance with the independent professional judgment of the City Attorney. The City Attorney and other personnel within the Office of the City Attorney are subject to the rules and regulations regarding licensing and professional conduct governing the practice of law in the State of North Dakota.
10. Records.
 - a. The City Attorney shall keep a record of all litigation matters in which the City is a party.
 - b. All reports, records, documents and other materials prepared by Nilson Brand Law its employees and agents in the performance of this Agreement, shall be the property of the City and shall be delivered to the City upon request by the City or upon termination of appointment. Nilson Brand Law may retain copies of such documents.
11. Termination.
 - a. This Agreement and appointment hereunder may be terminated by the Mayor upon thirty (30) days' written notice.
 - b. This Agreement and appointment hereunder may be terminated by the City Attorney upon thirty (30) days' written notice.
12. Prosecutorial Services. Appointment of City Prosecutor and Assistant Prosecutors. The City Attorney shall have the authority to appoint a City Prosecutor and such Assistant and Special Prosecutors as may be reasonably necessary for the prosecution of municipal offenses.

Dated: 01-05-2026

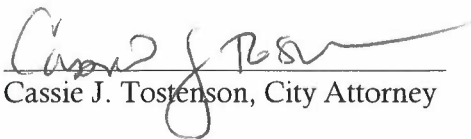
CITY OF MAYVILLE, a North Dakota municipal corporation


Karl Jorgenson, Mayor

ATTEST:

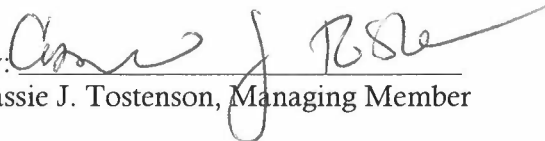

Gail Olstad, Auditor

Dated: _____


Cassie J. Tostenson, City Attorney

Dated: 6-11-2020

NILSON BRAND LAW, a North Dakota professional limit liability company

By: 
Cassie J. Tostenson, Managing Member

Moen made a motion to approve the First Reading Flood Plain Ordinance Legislative Requirements from 1' to 2'. Halvorson seconded the motion and upon a roll call vote the following voted; Yea: Halvorson, Garrett, Moen, O'Brien; Nay: Zero; Absent: Soholt, Petersen. See the reading below:

**AN ORDINANCE TO AMEND ORDINANCE CHAPTER XVII OF THE REVISED
ORDINANCES OF THE CITY OF MAYVILLE BY AMENDING ARTICLE 16**

BE IT ORDAINED BY THE CITY COUNCIL AND THE MAYOR OF THE CITY OF MAYVILLE:

Section 1: Amendment: That the revised flood plain management ordinance of the City of Mayville shall be amended as follows:

FLOODPLAIN MANAGEMENT

SECTION 1.0
STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

16.1.1. STATUTORY AUTHORIZATION

The Legislature of the State of North Dakota has in North Dakota Century Code, Chapters 40-05, 11-11 and 58-06, delegated responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the City Council of the City of Mayville, North Dakota does ordain as follows:

16.1.2. FINDINGS OF FACT

- (1) The flood hazard areas of City of Mayville are subject to periodic inundation which can endanger life, result in loss of property, create health and safety hazards, disrupt commerce and governmental services, cause extraordinary public expenditures for flood protection and relief, and impair the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) Flood losses caused by the cumulative effect of obstructions in the special flood hazard areas cause increases in flood heights and velocities. Inadequately floodproofed, elevated or otherwise unprotected structures also contribute to the flood loss.

16.1.3. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in special flood hazard areas;
- (6) To help maintain a stable tax base by providing for the second use and development of special flood hazard areas so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in a special flood hazard area;
- (8) To ensure that those who occupy the special flood hazard areas assume

responsibility for their actions.

16.1.4. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 16.2 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Appeal" means a request for a review of the zoning administrator's interpretation of any provision of this ordinance or a request for a variance.

"Base flood or 100-year flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation" (BFE) means the height of the base flood or 100-year flood usually in feet, measured in the same datum (either NAVD88 or NGVD29) as the FIRM.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Best Available Information" (BAI) means water elevation information from any source used to estimate or determine a base flood elevation (i.e. high water mark).

"Community" means any political subdivision that has the authority to zone, or any Indian tribe or authorized tribal organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

"Conveyance or hydraulic conveyance" means a geometric characteristic of a river or watercourse at a given point that determines the flow-carrying capacity at that point.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the special flood hazard area.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood Insurance Rate Map" (FIRM) means the official map issued by the Federal Emergency Management Agency where special flood hazard areas are designated as Zone A, AE, AO, AH, A1-A30 or A-99.

"Flood Insurance Study" (FIS) means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood

Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or; from the unusual and rapid accumulation or runoff of surface waters from any source.

"Floodproofing" (Dry) means protection provided a structure, together with attendant utilities and sanitary facilities, which is watertight two feet above the base flood elevation with walls that are substantially impermeable to the passage of water.

"Floodway or regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Lowest floor" means the lowest floor of a structure including the basement.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle" but does include "mobile home".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

"Person" means any person, firm, partnership, association, corporation, limited liability company, agency, or any other private or governmental organization, which includes any agency of the United States, a state agency, or any political subdivision of the state.

"Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area, and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

"Recreational vehicle" means a vehicle which is built on a single chassis;

- (a) 400 square feet or less when measured at the largest horizontal projection;
- (b) designed to be self-propelled or permanently towable by a light duty truck;
- (c) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use; including, but not limited to;
- (d) travel trailers, trailers on wheels, park-model trailers, and other similar vehicles.

"Special Flood Hazard Area" (SFHA) means an area of land that would be inundated by a flood having a one percent chance of being equaled or exceeded in any given year.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Structure" means a walled and roofed building, including manufactured homes and gas or liquid above-ground storage tanks.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the building to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- 1) Before the improvement or repair is started; or
- 2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial

improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- 1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- 2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Watercourse" means only the channel and banks of an identifiable watercourse, and not the adjoining floodplain areas. The flood carrying capacity of a watercourse refers to the flood carrying capacity of the channel, except in the case of alluvial fans, where a channel is not typically defined. The definition of watercourse in N.D.C.C. § 61-01-06 is not applicable in this ordinance.

"Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by the community's floodplain management ordinance is presumed to be in violation until such time as that documentation is provided.

SECTION 16.3.0 GENERAL PROVISIONS

16.3.1. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all special flood hazard areas within the jurisdiction of The City of Mayville, North Dakota.

16.3.2. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the City of Mayville, dated July 19, 1982 with an accompanying Flood Insurance Rate Map is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the City Auditor's Office City Hall, Mayville, North Dakota.

16.3.3. COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

16.3.4. GREATER RESTRICTIONS

This ordinance is not intended to repeal, remedy, or impair any existing easements, covenants, or

deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

16.3.5. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

16.3.6. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of

The City of Mayville, North Dakota any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

16.3.7. SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

SECTION 16.4.0 ADMINISTRATION

16.4.1. ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit shall be obtained before construction or development begins within any special flood hazard area established in Section 3.2. Application for a development permit shall be made on forms furnished by the zoning administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill storage materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in the same datum (either NAVD88 or NGVD29) as the FIRM, of the lowest floor of all structures;
- (2) Elevation in the same datum (either NAVD88 or NGVD29) as the FIRM to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 5.2-2; and,

- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

16.4.2. DESIGNATION OF THE ZONING ADMINISTRATOR

The city auditor is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

16.4.3. DUTIES AND RESPONSIBILITIES OF THE ZONING ADMINISTRATOR

Duties of the zoning administrator shall include, but not be limited to:

16.4.3-1 Permit Review

- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- (2) Approve or deny all applications for development permits required by adoption of this ordinance.
- (3) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
- (4) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 5.4 are met.

16.4.3-2 Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS, the Zoning Administrator shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available (known as best available information) from any other federal, state, or other source, as criteria for requiring that new construction, substantial improvements, or other development in the floodplain are administered in accordance with Section 5.2, SPECIFIC STANDARDS.

16.4.3-3 Information to be Obtained and Maintained

- (1) Obtain and record the actual elevation (in the same datum (either NAVD88 or NGVD29) as the FIRM), of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved floodproofed structures:
 - (i) obtain and record the actual elevation (in the same datum (either NAVD88 or NGVD29) as the FIRM), to which the structure has been floodproofed;

- (ii) maintain the floodproofing certifications required in Section 4.1(3).
- (3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

16.4.3-4 Alteration of Watercourses

The responsible person shall:

- (1) Notify nearby communities, water resource districts, and the North Dakota Department of Water Resources, as necessary, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished; and,
- (3) Notify the appropriate water resource district prior to removal or placement of fill within two hundred feet of the bank of a body of water during normal flow or stage.

16.4.3-5 Interpretation of Flood Insurance Rate Map (FIRM) Boundaries

Make interpretation where needed, as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.4.

16.4.3-6 Encroachment Analysis

When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for and receives a Conditional Letter of Map Revision (CLOMR) through FEMA.

16.4.4. VARIANCE PROCEDURE

16.4.4-1 Appeal Board

- (1) The Appeal Board as established the city council shall hear and decide appeals and requests for

variances from the requirements of this ordinance.

(2) The Appeal Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Administrator_ in the enforcement or administration of this ordinance.

(3) Those aggrieved by the decision of the Appeal Board. or any taxpayer, may appeal such decision to the Traill County District Court, as provided in N.D.C.C. §§ 40-47-11, 11-33-12, or 58-03-14.

(4) In passing upon such applications, the Appeal Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance; and:

(i) the danger that materials may be swept onto other lands to the injury of others;

(ii) the danger to life and property due to flooding or erosion damage;

(iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) the importance of the services provided by the proposed facility to the community;

(v) the necessity to the facility of a waterfront location, where applicable;

(vi) the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;

(vii) the compatibility of the proposed use with existing and anticipated development;

(viii) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(x) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(5) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre to less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Section 4.4-1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(6) Upon consideration of the factors of Section 4.4-1(4) and the purposes of this

ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(7) The Zoning Administrator shall maintain the records of all appeal actions the report any variances to the Federal Emergency Management Agency upon request.

16.4.4-2 Conditions for Variances

- (1) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (2) Variances shall not be issued within the identified floodplain if any increase in flood levels during the base flood discharge would result.
- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) Variances shall only be issued upon:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, cause fraud on or victimization of the public as identified in Section 4.4-1(4), or conflict with existing local laws or ordinances.
- (5) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 16..0 PROVISIONS FOR FLOOD HAZARD REDUCTION

16.5.1. GENERAL STANDARDS

In all special flood hazard areas the following standards are required: 16.5.1-1

Anchoring

- (1) All new construction and substantial improvements, including additions, shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use

of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

16.5.1-2 Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

16.5.1-3 Utilities

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

16.5.1-4 Subdivision Proposals

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

16.5.2. SPECIFIC STANDARDS

In all special flood hazard areas where base flood elevation data have been provided as set forth in Section 3.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS or Section 4.3-2, Use of Other Base Flood Data, the following provisions are required:

16.5.2-1 Residential Construction

- (1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation.

16.5.2-2 Nonresidential Construction

Construction and substantial improvement of any nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above the base flood elevation or, together with attendant utility and sanitary facilities shall:

- (1) Be floodproofed to at least two feet above the base flood elevation, so that below this elevation the structure is watertight with walls substantially impermeable to the passage of water.
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 4.3-3(2).

16.5.2-3 Manufactured Homes

- (1) Require all manufactured homes placed within Zone A shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- (2) Require all manufactured homes placed or substantially improved within Zones A 1-30, AH, or AE on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision which has incurred substantial damage, be elevated on a permanent foundation so the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.
- (3) Require that manufacture homes placed or substantially improved on sites in an existing manufacture home park or subdivision within Zones A 1-30, AH, or AE not subject to other requirements of this section be elevated so that either:
 - (i) the lowest floor of the manufacture home is one foot above the base flood elevation, or
 - (ii) the manufacture home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36" in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

16.5.2.4 Recreational Vehicles

In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must

- (i) be elevated and anchored to meet the requirements in 5.2-3; OR
- (ii) be on the site for less than 180 consecutive days; AND
- (iii) be fully licensed and highway ready

16.5.3. Shallow Flooding AO and AH Zones (Section 5.3 is only required if the community has Flood Zones AO and/or AH on the effective FIRM)

Located within the areas of special flood hazard established in Section 3.2, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated one foot above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

(2) All new construction and substantial improvements of **non-residential** structures;

(i) have the lowest floor (including basement) elevated one foot above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;

(ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard as specified in Section 5.2-2.

(3) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

16.5.4. FLOODWAYS

Located within the special flood hazard areas established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Any increase, as is used in this section, means any modeled impact greater than 0.00 feet.

(2) If Section 5.4 (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction requirements of this ordinance.

(3) Under the provisions of 44 CFR Section 65.12 of the NFIP Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs, provided that the community first applies for and receives a Conditional Letter of Map Revision (CLOMR) through FEMA.

16.5.5. ENCLOSURES

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they allow the automatic entry and exit of floodwaters.

SECTION 16.6. VIOLATIONS

16.6.1. PENALTIES FOR VIOLATIONS

- (1) Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations on conditions and safeguards established in connection with grants or variances or conditional uses, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be punished by a fine not exceeding \$500 or by imprisonment not to exceed 30 days or by both such fine and imprisonment for each such offense, and in addition shall pay costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- (2) Nothing herein contained shall prevent the City of Mayville from taking such other lawful action as is necessary to prevent or remedy any violation.

FIRST READING PASSED THIS 01-05-2026

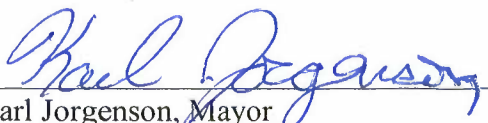
Motion: Moen Second: Halvorson

Aye: Halvorson, Garrett, Moen, O'Brien

Nay: None

ABSENT: Soholt, Petersen

January 5, 2026


Karl Jorgenson, Mayor

ATTEST:


Gail Olstad Auditor.

O'Brien made the motion to accept Annette Bakken's resignation from the Library Board and approval to appoint Lois Karlstad in Annette's spot on the board. Moen seconded the motion, the motion carried.

Christian Sports Commission - Tax Exemption (730 Main St E.) The council reviewed the application submitted by Christian Sports Commission for a property tax exemption. After discussion, the Council agreed to authorize the City Assessor to approve the exemption under applicable law.

O'Brien moved to approve allowing the the City Assessor to approve the tax exemption. Halvorson seconded the motion. Upon roll call vote, the following voted in favor: Garrett, O'Brien, Halvorson. Voting against: Moen; Absent: Petersen, Soholt. **Motion carried.**

Christian Sports Commission: Tax Abatement Request. The Council also reviewed the organization's request for a tax abatement for prior years. Following discussion, the Council determined that a tax abatement would not be granted.

O'Brien moved to deny the request for tax abatement for prior years. Moen seconded the motion. Upon a roll call vote, the following voted in favor: Moen, Halvorson, Garrett, Obrien. Voting against: None. Absent: Soholt, Petersen. Motion carried.

The City of Mayville will designate their Depositories for 2026-2027 as First State Bank and Goose River Bank. Moen made the motion to approve as presented. O'Brien seconded the motion and upon a roll call vote the following voted; Yea: Moen, Garrett, O'Brien, Halvorson; Nay: Zero; Absent: Petersen, Soholt.

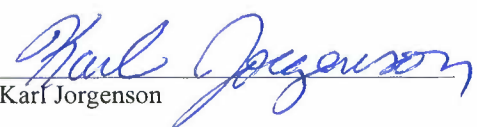
Halvorson made the motion to allow the Auditor's Office to advertise twice for the demo of Stennes House at 130 4th Ave SE. This has been held over as the city tried to get current demo crew from the recent elevator fire to demo the house, but it didn't work out. Moen seconded the motion, the motion carried.

A purchase agreement was brought to the council meeting from Daniel Robert Aberle – 556 7th Ave SE – all of lot 13 and N ½ Lot 12 Block 2 Riverwood Addition. Drain is on lot line between Lot 12 and Lot 13 – Need legal doc as was done with Mewes? Under ground storm sewer. O'Brien made the motion to approve this purchase agreement contingent on approval of building plans and from Planning & Zoning and Riverwood Committee. Garrett seconded the motion and upon a roll call vote the following voted; Yea: Halvorson, Moen, Garrett, O'Brien; Nay: Zero; Absent: Soholt, Petersen.

Sheriff's Report: Council has requested ticket/Ordinance violation statistic from Sheriff Hunt.

Moen made the motion to adjourn the meeting. O'Brien seconded the motion, motion carried.

Attest: 
Julie Christianson, Deputy Auditor

Mayor: 
Karl Jorgenson